

To: the Office of National Security
Advisor



**Presidential Decree of
The President of the Islamic Republic of Afghanistan
Concerning the Implementation of
the Bilateral Security Agreement and NATO Status of Forces Agreement**

Number: (38)

Date: December 31, 2014

First Article:

In order to properly implement the contents of the Security and Defense Cooperation Agreement between the Islamic Republic of Afghanistan and the United States of America, also known as the Bilateral Security Agreement (BSA), and the Agreement between the Islamic Republic of Afghanistan and the North Atlantic Treaty Organization (NATO) on the Status of NATO Forces and NATO Personnel Conducting Mutually Agreed NATO-led Activities, also known as the NATO SOFA, I enact the following:

Issuance of One Year Multiple Entry and Exit Visas:

1. The Ministry of Foreign Affairs and Ministry of Interior shall issue one year multiple entry and exit visas for US/NATO Contractors and US/NATO contractor employees (hereafter referred to as Contractors and their employees) who enter and exit Afghanistan.

Entry and Exit with Valid Passport and Certificate:

2. Contractors and their employees may enter, exit, work and be present in Afghanistan upon providing a valid passport and certificate which certifies their affiliation with US/NATO Forces based on the procedures set forth in provisions 5 and 6 of the decree.

Visa Application Timeline:

3. Contractors and their employees are required to apply for visas to the relevant offices once they are in Afghanistan within the five months of enforcement of this decree.

Exempt from Financial Penalties and Judicial Prosecution:

4. Contractors and their employees shall not be subject to financial penalties or judicial prosecution for lack of a visa from the enactment date of the decree until June 1, 2015.

The Ministry of Interior shall establish procedures to expedite issuance of one year multiple entry and exit visas for contractors and their employees who are present in Afghanistan without a visa or an expired visa. These contractors and their employees shall not be required to depart Afghanistan.

Establishing Ministry of Foreign Affairs Procedures:

5. The Ministry of Foreign Affairs shall establish procedures to expedite issuance of one year multiple entry and exit visas for contractors and their employees who are traveling to Afghanistan and shall disseminate these procedures to the Afghanistan political offices and consulates.

Establishing Ministry of Interior Procedures:

6. The Ministry of Interior shall establish procedures to expedite issuance of one year multiple entry and exit visas for contractors and their employees who are traveling to Afghanistan and unable to obtain such a visa outside of Afghanistan.

Obtaining Visa Fees:

7. The Ministries of Foreign Affairs and Ministry of Interior are required, in accordance with Afghan law, to obtain fees for one year multiple entry and exit visas from Contractors and their employees.

Visa Application:

8. Contractors may submit group applications for visas, on behalf of their employees, along with the visa fee payment receipt, to the relevant offices of the Ministry of Foreign Affairs and Ministry of Interior.

Contractors and their employees, who are submitting their visa applications for the first time, are required to pay a one-time US\$200 fee, in addition to the visa fee, for visa processing in exchange for a receipt of payment to process their visa applications.

Work Permits:

9. Contractors and their employees shall not be required to obtain work permits in order to perform their duties.

Authorization to Carry Weapons:

10. Contractors and their employees shall carry weapons only in accordance with Afghanistan laws and regulations.

The Ministry of Interior shall establish procedures in order to not impede the Train, Advise and Assistance missions and cooperation as mentioned in the BSA and the NATO SOFA.

Group Applications for Weapons Permit Issuance:

11. The Ministry of Interior shall accept group applications for weapons permits from Contractors whose employees carry a weapon for self-protection in order to perform duties outside of agreed facilities including the provision of train, advise and assist missions to Afghan National Security and Defense Forces.

Weapons Permit Authorization:

12. The contents of the above mentioned group applications in provision 11 of this decree should contain the names of the contractors and their employees, type and serial number of the weapon, the time period present in Afghanistan, two photos of each employee and a certificate indicating that the US and NATO Forces have authorized the contractor employees to carry weapons in furtherance of their contractual duties.

Obtaining Fees for Weapons Permits:

13. The Ministry of Interior shall collect a licensing fee from each contractor on behalf of each employee and shall issue weapons permits that each employee is required to carry on their person at all times.

Weapons Collection and Removal:

14. Contractors shall collect and remove their weapons and weapons permits upon the end of their employees' mission in Afghanistan.

Unauthorized Distribution and Sale of Weapons:

15. The contractors shall not distribute or sell any types of weapons in Afghanistan.

Jurisdiction:

16. Legal jurisdiction over contractors and their employees will be enforced based on the provisions stated in the BSA and NATO SOFA.

Obtaining AISA Business Licenses:

17. Beginning January 1, 2015 within five months or when their license expires, contractors are required to obtain business licenses from the Afghan Investment Support Agency (AISA), which are valid for three years, upon the payment of a specified fee. Contractors are exempt from other Afghan licenses and similar requirements in relation to their entry into or execution of contracts with or on behalf of the US and NATO Forces.

Establishing AISA Procedures:

18. The Afghan Investment Support Agency will be required to prepare procedures to expedite issuance of business licenses to contractors within six working days.

Entry and Exit by Air:

19. US/NATO Forces, the civilian component, NATO Personnel, US/NATO contractors and contractor employees, and those who support or affect them, shall continue current aviation practices, procedures, and operations into, out of, and within Afghanistan with no changes until June 30, 2015.

The execution plan for implementation of Article 10 of the BSA and Article 8 of the NATO SOFA shall be prepared as soon as possible by the Afghan Civil Aviation Authority and shall be effective by June 1, 2015.

If the United States and NATO state their readiness to implement the execution plan prior to the previously mentioned date, the execution plan can be implemented.

Referring the Disputes to the Joint Commission:

20. If any disputes arise on the provisions of this decree, the issue should be referred to the appropriate Joint Commission as referenced in the BSA or NATO SOFA.

Enforcement Date:

Second Article:

The decree will be effective from January 1, 2015.

Mohammad Ashraf Ghani

President of the Islamic Republic of Afghanistan

(Signature)